

App. No. App. No. 10/650,263
Amdt. Dated July 19, 2005
Reply to Office Action of May 19, 2005
Atty. Dkt. No. 9278-100 (formerly 9129-111)

REMARKS/ARGUMENTS

This reply is responsive to an Office Action mailed on May 19, 2005. Reconsideration and allowance of the application and presently pending claims 2-18, 20-31, 33, and 40-42 are respectfully requested.

Present Status of the Patent Application

Claims 2-18, 20-31, 33, and 40-42 remain pending in the present application. Claims 32 and 34-39 have been cancelled without prejudice. New independent claim 40 was added to put allowed dependent claim 32 in independent form. New independent claim 41 was added to rewrite allowed dependent claim 32 into form of independent method claim 19. New dependent claim 42 was added to make allowed subject matter of dependent claim 33 dependent on new claim 41. Dependent claims 2, 5, 7, 10, 12-18, 20-22, 24-27, and 33 have been amended to make them dependent on new independent claims 40 or 41.

As to any modification to, or cancellation of the claims, there is no intention of surrendering equivalence.

Allowed Subject Matter

Applicants appreciate the Examiner's acknowledgement of allowed subject matter in claims 32 and 33. Claim 32 has been rewritten in independent form in new claim 40.

Election/Restriction

Applicants acknowledge the election without traverse of invention of Group I, claims 1-33 and new claims 40-42. Claims 34-39 of Group II have been cancelled without prejudice.

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Prior Art References

The Office Action requires the Applicants to provide a copy of the art reference referred to in paragraph [0029] of the disclosure. An Information Disclosure Statement accompanies this Reply and Amendment to include a copy of this art reference not previously submitted. The art reference referred to in paragraph [0041] of the disclosure has been previously submitted in an Information Disclosure Statement dated April 19, 2005 as Cite No. Z.

Information Disclosure Statement

An Information Disclosure Statement and Form 1449 accompany this Reply and Amendment for filing, containing reference to an article cited in paragraph [0029] of the Applicants' disclosure. The reference/article was not previously cited in any previously filed Information Disclosure Statement.

Response to the Specification Objection

The disclosure has been objected to because of duplications of four of the articles cited in Applicants' disclosure on pages 1-4. As such, the Applicants have deleted paragraphs [0030], [0033], [0037], and [0045] to eliminate these duplications.

Response to Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-7, 22, 23, 25, and 27-31 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Internet article titled Supplementary Images for Science Report, A Low Temperature Transfer of ALH84001 from Mars to Earth ("Science Report") in view of the paper titled Advances in Cryogenic Engineering ("Advances") and Saho et al. (U.S. Patent No. 6,563,212). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in independent

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form as new claim 40, and the claims previously depending on claim 1 now depend on new claim 40.

Claims 8 and 10 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances and Saho as applied to claims 1 and 7, and further in view of Wellstood et al. (U.S. Patent No. 5,491,411). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in independent form as new claim 40, and the claims previously depending on claim 1 now depend on new claim 40.

Claim 9 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances, Saho, and Wellstood as applied to claims 1, 7, and 8, and further in view of Sapir (U.S. Patent Application No. 2004/0007004). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in independent form as new claim 40, and the claims previously depending on claim 1 now depend on new claim 40.

Claims 11, 13, 14, and 18 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances and Saho as applied to claim 1, and further in view of Marooka et al. (U.S. Patent No. 5,825,183). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in independent form as new claim 40, and the claims previously depending on claim 1 now depend on new claim 40.

Claims 15 and 17 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances and Saho as applied to claim 1, and further in view of Wikswo, Jr. et al. (U.S. Patent No. 5,038,104). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has

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been rewritten in independent form as new claim 40, and the claims previously depending on claim 1 now depend on new claim 40.

Claim 16 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances and Saho as applied to claim 1, and further in view of Tsukada et al. (U.S. Patent No. 6,424,853). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in independent form as new claim 40, and the dependent claims now depend on new claim 40 instead of claim 1.

Claims 19-21 have been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Wellstood et al. (U.S. Patent No. 5,894,220 and hereinafter "Wellstood II) in view of Advances. Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 19 has been cancelled without prejudice, allowed dependent claim 32 has been rewritten into the form of independent method claim 19 as new claim 41, and the claims previously depending on claim 19 now depend on new claim 41.

Claim 24 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances and Saho as applied to claim 1, and further in view of Van Kann et al. (U.S. Patent No. 5,668,315). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in independent form as new claim 40, and the dependent claims now depend on new claim 40 instead of claim 1.

Claim 26 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Science Report in view of Advances and Saho as applied to claim 1, and further in view of Zeamer (U.S. Patent No. 4,613,816). Applicants respectfully traverse this rejection. However, this rejection is moot, because claim 1 has been cancelled without prejudice, allowed claim 32 has been rewritten in

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independent form as new claim 40, and the dependent claims now depend on new claim 40 instead of claim 1.

Added Claims

Claims 40-42 added in this response are believed to be allowable since they were rewritten from allowable claims 32 and 33.

Furthermore, all of the patents cited in the last Office Action have been reviewed, and it is believed that the claims patentably distinguish thereover.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 2-18, 20-31, 33, and 40-42 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-231-3666.

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Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: July 19, 2005

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